

E-FILED on 5/13/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FELTON A. SPEARS, JR. and SIDNEY
SCHOLL, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

WASHINGTON MUTUAL BANK FA, also
known as Washington Mutual Bank, FIRST
AMERICAN EAPPRAISEIT, a Delaware
corporation; and LENDER SERVICE, INC.,

Defendants.

No. C-08-00868 RMW

ORDER REGARDING MOTION TO SEAL


[Re Docket No. 188]

Plaintiffs move to file under seal Exhibits A-O, Q, S, and U attached to the Declaration of Michael D. Braun in Support of Plaintiffs' Motion for Class Certification and certain portions of Plaintiffs' Notice of Motion, Motion for Class Certification, and Memorandum in Support which quote from these exhibits. A request to seal must establish that the document, or portions thereof, is privileged or protectable as a trade secret or otherwise entitled to protection under the law. Civ. L. R. 79-5(a). The request must be narrowly tailored to seek sealing of only sealable material. *Id.*

Having reviewed the material that plaintiffs seek to file under seal, the court has concerns about the extent of material which plaintiffs seek to file under seal. With the exception of Exhibits A and M and the portions of plaintiffs' motion for class certification that quote from these two exhibits, it appears that there is no basis for filing the remainder of the material under seal. Plaintiffs

1 have represented that they seek to file the designated material under seal because it has been
2 designated "Confidential" by defendant eAppraiseIT. The court therefore orders the parties to either
3 explain why all of the designated material is sealable or to submit a narrowly tailored request to file
4 under seal only those portions of the documents that are sealable material. If the parties do not
5 submit a satisfactory explanation or an appropriately narrowly tailored request within ten days, the
6 motion to seal will be denied.

7
8
9 DATED: 5/13/10



RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiffs:**

3 Ira Spiro	Ira@SpiroMoss.com
James Mark Moore	mark@spiromoss.com
4 Janet Lindner Spielberg	jlspielberg@jlspl.com
Joseph N. Kravec , Jr.	jnk@ssem.com
5 Michael D. Braun	service@braunlawgroup.com

6 **Counsel for Defendants:**

7 Jeffrey D. Rotenberg	jrotenberg@tpw.com
8 Kerry Ford Cunningham	kerry.cunningham@dlapiper.com
Laura Jean Fowler	lfowler@mhalaw.com
9 Patrick J. Smith	psmith@tpw.com
David F. Gross	david.gross@dlapiper.com
10 Francesca Leigh Cicero	francesca.cicero@dlapiper.com
Michael T. Fogarty	tfogarty@mhalaw.com
11 Christopher J Clark	cjclark@dl.com
Kevin C Wallace	kwallace@dl.com
12 Kris Hue Chau Man	kman@dl.com
Margaret Anne Keane	mkeane@dl.com
13 Angela M. Papalaskaris	apapalas@dl.com
Jonathan Mark Lloyd	jonathanlloyd@dwt.com
14 Martin L. Fineman	martinfineman@dwt.com
Sam N. Dawood	samdawood@dwt.com
15 Stephen Michael Rummage	steverummage@dwt.com

16 Counsel are responsible for distributing copies of this document to co-counsel that have not
17 registered for e-filing under the court's CM/ECF program.

20 **Dated:** 5/13/10

CCL

Chambers of Judge Whyte